

Panaji, 19th August, 1982 (Srawana 28, 1904)

SERIES II No. 21

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 4/5/81-PER

Shri Rakesh Mohan, IAS, Director of Education shall function as Director of Technical Education in addition to his own duties, for a period of 3 months with effect from the date of issue of this order.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 6th August, 1982.

Notification

No. 24/9/79-PER

On the recommendation of the Departmental Promotion Committee, the Administrator of Goa, Daman and Diu is pleased to confirm Shri V. R. Kadam under rule 24 of the Goa, Daman and Diu Police Service Rules, 1973, in the Grade I (Selection Grade) post of the Goa, Daman and Diu Police Service w.e.f. 12-6-1976.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 9th August, 1982.

Home Department (General)

Notification

No. HD/25-65/73-HD(G)/Vol. II

Ref: Government Notification No. HD/25-65/73-HD(G)/Vol. II dated 26th June, 1982 published in Official Gazette Series II No. 15 dated 8-7-1982.

In exercise of powers vested in him under Section 44 of the Motor Vehicles Act, 1939 the Lieutenant Governor of Goa, Daman and Diu is pleased to nominate Shri S. M. Dixit, Officiating Director of Transport, Panaji as the Member Secretary of the State Transport Authority of Goa, Daman and Diu for the period from 2nd August, 1982 to 9th August, 1982 during the period Shri E. Noronha Rodrigues, Director of Transport and Member Secretary of the State Transport Authority is on earned leave.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 6th August, 1982.

Notification

No. 6/27/82-HD(G)

In exercise of the powers conferred by sub-section (1) of section 44 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the Administrator of Goa, Daman and Diu hereby constitutes the Regional Transport Authority, as specified in the Schedule appended hereto, for the area comprising of the Goa District. The said Regional Transport Authority shall throughout that area exercise and discharge the powers and functions conferred on it by or under the said Act and to that extent the State Transport Authority constituted vide Notification No. HD/25-65/78-HD(G) Vol. II dated the 26th June, 1982 shall cease to exercise and discharge the said powers and functions in relation to the area comprising of the Goa District.

SCHEDULE

Regional Transport Authority, Goa

- | | |
|---|----------------------|
| 1. Law Secretary — Chairman. | |
| 2. Shri John Fernandes, Caranzalem-Goa. | Non-official Members |
| 3. Shri Joaozinho Francisco da Cunha, Sarpanch, Avadem, Kothumbi, Goa. | |
| 4. Shri Gurudas Shirodkar, Sarpanch, V. P. Pariem, Satari, Goa — Official Member. | |
| 5. Assistant Director of Transport — Member Secretary. | |

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 18th August, 1982.

Notification

No. 6/1/71-HD(G)

In pursuance of the proviso to sub-section (2) of Section 64 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and in supersession of the Government Notification of even number dated 9-11-1981, the Lieutenant Governor of Goa, Daman and Diu hereby constitutes a State Transport Appellate Tribunal for the Union territory of Goa, Daman and Diu consisting of Shri K. C. Johorey, Chief Secretary, Government of Goa, Daman and Diu with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

Jose Philip, Joint Secretary.

Panaji, 13th August, 1982.

Planning Department

Order

No. 4-18-76/PLG

Read: Order No. 4-18-76/PLG dated 6-2-1982.

In partial modification to the above mentioned order the words "and without any extra remuneration" appearing in first para shall be deleted.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. D. Vengurlekar, Planning Officer.

Panaji, 7th August, 1982.

Revenue Department

Notification

No. 22/86/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For parking lot at Malbhat, Margao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing com-

pensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act, will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector, Goa South Division, Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

- 1. The Collector of Goa, Panaji.
- 2. The Deputy Collector, Goa South Division, Margao.
- 3. The Chief Officer, Margao Municipal Council, Margao.
- 4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector, Goa South Division, Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land).

Sr. No.	Taluka	Village/Ward	P. T. Sheet No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Margao	252	183 (Part)	O: Caetano Barreto. A: Santana Fernandes.	10550.00
			252	195	O: Caetano Barreto.	48.00
			252	196	O: Caetano Barreto.	58.00
			252	194	O: Caetano Barreto.	34.00
			252	238	O: Caetano Barreto.	12.00
			240	211 (Part)	O: Inacinho Lawrence.	85.00
			252	182 (Part)	O: Jaihin Rice Mill.	20.00
			251	141 (Part)	O: Coleta Cota.	700.00
			251	1/Part	O: Francisco Barreto.	15.00
			251	4	O: Francisco Barreto.	23.00
			251	5	O: Francisco Barreto.	50.00
Boundaries:						
North: Chalta No. 211, P.T. Sheet No. 240. Chalta No. 183, P.T. Sheet No. 252 Chalta No. 182/252 and Nalla.						
South: Chalta No. 239, P.T. Sheet No. 252. Chalta No. 226, P.T. Sheet No. 252. Chalta No. 141, P.T. Sheet No. 251 Chalta No. 182, P.T. Sheet No. 252.						
East: Nala.						
West: Chalta No. 197, P.T. Sheet No. 240 Chalta No 182, P.T. Sheet No. 252. Chalta No. 183, P.T. Sheet No. 252, Chalta No. 193, P.T. Sheet No. 252, Chalta No. 1, P.T. Sheet No. 251.						
Total						11595.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 9th August, 1982.

Notification

No. 22/83/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For laying additional C. I. gravity main from Curti to Banastarim at Adcolna.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji.
3. The Executive Engineer, PHE-NORTH, P.W.D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Ponda	Adcolna	80	(Part)	Keshav Bhagwanata Pai Verenkar. Mukund Bhagwant Pai Verenkar. Govind Bhagwant Pai Verenkar. Arvind Shrinivas Pai Verenkar.	550.00
			81	(Part)	Keshav Bhagwant Pai Verenkar. Mukund Bhagwant Pai Verenkar. Govind Bhagwant Pai Verenkar. Arvind Shrinivas Pai Verenkar.	1080.00
			74	5/Part	Public Works Department.	5.00
				6/Part	Keshav Bhagwant Pai Verenkar. Govind Bhagwant Pai Verenkar. Mukund Bhagwant Pai Verenkar. Arvind Bhagwant Pai Verenkar.	25.00
				7/Part	Keshav B. Pai Verenkar. Govind Bhagwant Pai Verenkar. Mukund Bhagwant Pai Verenkar. Arvind Bhagwant Pai Verenkar.	515.00
				8/Part	Keshav Bhagwant Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.	150.00
			74	27/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.	125.00
				29/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.	110.00
				31/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.	100.00
				33/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.	100.00
				36/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.	100.00

1	2	3	4	5	6	7
Ponda	Adcolna	74	38/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.		100.00
			44/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.		100.00
			47/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.		100.00
			50/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.		100.00
			51/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.		100.00
			52/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.		100.00
			53/Part	Keshav B. Pai Verenkar. Govind B. Pai Verenkar. Mukund B. Pai Verenkar. Arvind Shrinivas Pai Verenkar.		160.00
<i>Boundaries:</i>						
North: Survey No. 79/1, 2, Survey No. 80.						
South: Village Boundary of Boma.						
East: Survey No. 80, 81, Nala. Survey No.						
74/8, 27, 29, 31, 33, 36, 38, 44, 47, 50, 51,						
52, 53.						
West: Road, Survey No. 81, Survey No. 74/5,						
6, 7, 27, 29, 31, 33, 36, 38, 44, 47, 50, 51, 52						
& 53.						
Total						3620.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 9th August, 1982.

Notification

No. 22/15/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for the purpose of the Company viz. for construction of Service Depot and Staff Quarters at Margao.

And Whereas in the opinion of the Government the provisions of sub-Section (1) of Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) are applicable.

Therefore the Government is pleased to notify under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

The Government is pleased to direct under Sub-Section (4) of Section 17 of the said Act that the provisions of Section 5A of the said Act shall not apply in respect of the said land.

All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvement made thereon without the sanction of the Collector appointed in paragraph 6 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of

the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified in the Official Gazette.

The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Dy. Collector (Land Acquisition Officer), Panaji to perform the functions of a Collector under the said Act, in respect of the said land and direct him to submit his report under Rule 4(1) of the Land Acquisition (Company) Rules, 1963.

The Government is also pleased to authorise under Sub-section (2) of Section 4 of the said Act the following officers to do the acts specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Dy. Collector (Land Acquisition Officer) Panaji.
3. The Managing Director, Kadamba Transport Corporation Ltd. Panaji.
4. The Director of Land Survey, Panaji.

5. A rough plan of the said land is available for inspection in the office of the Dy. Collector (Land Acquisition Officer), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Margao	72	18/1	O: Comunidade of Margao. T: Maria Estola Grasto	5575.00
				18/2	O: Comunidade of Margao. T: Maria Esperance Grasto	2600.00
				18/3	O: Comunidade of Margao. T: Arcanjo Miranda	2975.00
			72	18/4	O: Comunidade of Margao. T: Majep.	2875.00
				18/5	O: Comunidade of Margao. T: Paulo Braganza.	2900.00
				18/6	O: Comunidade of Margao. T: Rosario Paulo Mendes.	8700.00
			72	17/Part	O: Soares.	150.00
			101	7/Part	O: Comunidade of Margao. T: Jose Rento Silva.	1800.00
			73	5	O: Comunidade of Margao.	3950.00
			73	6	O: Comunidade of Margao.	4400.00
			73	4	O: Marry Noronha.	2025.00
			73	49	Nala.	200.00
Boundaries: North: Chalta No. 9 of P. T. S. No. 72, Chalta No. 1, P.T.S. No. 73 Chalta No. 3 P.T.S. No. 73 Chalta No. 9 P. T. S. No. 73. South: Chalta No. 7/1, P. T. S. No. 101, Chalta No. 1, P. T. S. No. 100. East: Chalta No. 7, P. T. S. No. 73. West: Road and Chalta No. 17, P.T.S. No. 72.						
Total						38150.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 13th August, 1982.

Notification

No. 22/3/82-RD

Whereas by Government Notification No. 22/3/82-RD dated 24-2-1982 published on page 624-625 of Series II, No. 49 of the Official Gazette, dated 4-3-1982 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Development of Betul (Addl. area) at Velim, Salcete.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule

hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector, South Sub-Division, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector, South Sub-Division, Margao, till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Velim	—	57/Part	1. Shri Cruisite Caeiro. 2. Shri Nelson Caeiro. 3. Shri Francis Caeiro.	1550.00
	— do —	— do —	3/Part	56	— do —	313.00
Boundaries: North: Survey No. 56/57. South: Survey No. 56/57. East: Survey No. 56. West: Survey No. 56.						
Total						1863.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 5th August, 1982.

Notification

No. 22/79/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For laying additional C. I. gravity main from Curti to Banastarim at Priol.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P. W. D. (CELL), Altinho, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein, in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P. W. D. (CELL), Altinho, Panaji.
3. The Executive Engineer, PHE-(North), P.W.D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P. W. D. (CELL), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Ponda	Priol	10	(Part)	Devasthan Mahalsa.	520.00
			48	1/Part	H: Pandurang R. Kunkollikar. T: Monu D. Gauda.	2420.00
				2/Part	Ramanath Bhikaji Abhishaki.	650.00
			49	2/Part	1. Shambhu Surya Sardessai. 2. Narendra R. Sardessai. 3. Anandrao Narayanrao Sardessai. 4. Satchit Ramrai Sardessai. 5. Smt. Tarabai Dharulkar.	575.00
				3/Part	1. Our Lady of Piety Church. 2. Premila Borkar. 3. Suresh Mardolkar. 4. Rama Sakordekar.	25.00
				4/Part	Narayan Vinayak Naik.	125.00
			50	(Part)	Our Lady of Piety Church.	1050.00
			51	8/Part	1. Tulshi Binagekar. 2. Anant Narayan Mest.	50.00
				9/Part	Naraya Gauda.	600.00
				14/Part	Anant Krishna Naik.	25.00
				22/Part	Ashok Venkatesh Acharya.	25.00
			53	(Part)	Our Lady of Piety Church.	1750.00
			54	2/Part	1. Sonorav Dataram Priolkar. 2. Sadanand Ganoba Priolkar. 3. Ulhas Niralal Mardolkar. 4. Mangalabai Shrikant. Kapileshwarkar.	2050.00
			56	(Part)	Our Lady of Piety Church.	150.00
			311	6/Part	Devendra R. S. Kelekar.	950.00
			309	5/Part	Devendra R. S. Kelekar.	375.00
				4/Part	H: Devendra R. S. Kalekar. T: Gopi Ladu Gauda.	450.00
				6/Part	H: Audut Deuba Dessai. T: Manguesh Gauda.	100.00
			67	8/Part		1350.00
				9/Part		10.00
			68	3/Part		700.00
				4/Part		550.00
			69	—		900.00
			301	1/Part	1. Comunidade of Priol 2. Gharu Fundalik Kelekar & Shripad Kelekar.	10.00
				3/Part	H: T: Surya Purso Gauda.	100.00
				4/Part	H: T:	200.00

1	2	3	4	5	6	7
Ponda	Priol		5/Part	H: Gharu P. Kelekar. Shripad P. S. Kelekar. T: Hanumanth Jaganath Gaudo.		425.00
			6/Part	Manguesh Gopal Gaudo.		150.00
			7/Part	— do —		300.00
		298	1/Part	1. Gharu Pundalik Kelekar. 2. Mukund Purshotam Kelekar. 3. Vaman Vishnu Kelekar.		120.00
			2/Part	1. Raghuvir Vishnu Kelekar. 2. Yeshwant Raghuvir Kelekar.		150.00
			3/Part	Vaman Vishnu Kelekar. T: Babuso Gauda.		140.00
			4/Part	H: Vaman Vishnu Kelekar. T: Vithal Gauda.		500.00
			5/Part	Gajanan Damodar Bhat Savoikar.		100.00
			6/Part	1. Gopal Yeshwant Naik Kawate. 2. Vaikunt Yeshwant Naik Kawate. T: Shambu Bhiku Gauda.		600.00
		192	3/Part	Audut Ganapati Raikar. T: Pandari Amaso Gauda.		300.00
			5/Part	1. Gurunath Shivaji Kelekar. 2. Jaivant Trivikram Kelekar. T: Vishwanath & Jaganath Zingo Gauda.		775.00
		193	2/Part	Kashinath Shamba Priolkar. T: Babuli Kashinath Gauda.		475.00
		226	1/Part	Vinu D. Dessai. T: 1. Zingu Budho Gauda. 2. Budho Zingu Gauda.		400.00
			2/Part	Comunidade of Priol.		60.00
		219	1/Part	Vishnu Dattatraya Dessai. T: Bhikagi Babai Gauda.		190.00
		199	(Part)	1. Bhalchandra Keshav Priolkar. 2. Keshav Bhalchandra Priolkar. T: Surya Dhakto Gauda.		3900.00
Boundaries:						
North: Village boundary of Cuncolim, road S. No. 298/6, S. No. 199, S. No. 175.						
South: S. No. 298/1, 2, 3, 4, 5, 6, S. No. 199, S. No. 175, Village Curti.						
East: S. No. 48/1, 2, S. No. 49/2, S. No. 50, S. No. 51/9, 8, S. No. 49/7, 3, 4, S. No. 53, S. No. 54/2, S. No. 311/6, S. No. 309/5, 4, 6, S. No. 67/8, 9, S. No. 68/3, 4, S. No. 69, S. No. 301/3, 4, 5, 6, 7, S. No. 192/3, 5, S. No. 193/3, 5, S. No. 193/2, S. No. 226/1, 2, S. No. 219/1.						
West: S. No. 48/1, 2, S. No. 49/2, S. No. 50, S. No. 51/9, 14, 22, S. No. 53, S. No. 54/2, S. No. 311/6, S. No. 309/5, 4, 6, S. No. 308/3, S. No. 67/10, S. No. 68/3, 4, S. No. 69, S. No. 69, S. No. 301/1, 3, 4, 5, 6, 7, S. No. 192/3, 5, S. No. 193/2, S. No. 226/1, 2, S. No. 219/1.						
Total						24295.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Meneses Pais, Under Secretary (Revenue-I).

Panaji, 4th August, 1982.

Notification

No. 22/168/81-RD

Whereas by Government Notification No. 22/168/81-RD dated 18-12-81 published on page 460 of Series II, No. 42 of the Official Gazette, dated 14-1-82 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Development of Children Park at Sancoale.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of

the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector, South Goa, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector, South Goa, Margao till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Mormugao	Sancoale	1	2	O: Maria N. O. Cruz. T: 1. Srinivas Upendra B. Caculo. 2. Chandrakant Upendra B. Caculo. <i>Boundaries:</i> North: Nala & S. No. 1, Sub-Div. No. 3. South: S. No. 1, Sub-Div. 5 & 4. East: S. No. 1, Sub-Div. No. 3. West: Road.	1525.00
Total						1525.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 5th August, 1982.

Notification

No. 22/52/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of Post Office building at Vasco-da-Gama.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector (Land Acquisition Officer), Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector (Land Acquisition Officer), Panaji.
3. The Sr. Superintendent of Post Offices, Goa Division, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector (Land Acquisition Officer), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	P. T. Sheet No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Mormugao	Vasco-da-Gama	103	292	Y. D. Chowgule.	1500.00
			103	293	Y. D. Chowgule.	210.00
			103	294	Y. D. Chowgule.	85.00
Total						1795.00

Boundaries:

North: Road.
South: Chalta No. 305 of P. T. Sheet No. 103.
East: Road.
West: Road.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 4th August, 1982.

Notification

No. 22/84/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For laying additional C. I. gravity main from Curti to Banastarim at Ponda.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (Seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (Cell), Altinho, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (Cell), Altinho, Panaji.
3. The Executive Engineer, PHE-North, P.W.D. Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (Cell), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Ponda	Ponda		67(Part)	Miniklai Danait.	1300.00
				69(Part)	1. Matches Goa.	1500.00
					2. Vithabai Chaturbai Patel.	
				68(Part)	Babu Krishna Kamat.	275.00
				80(Part)	Babukrishna Kamat & Padmanabh Shenkre.	1250.00
				82(Part)	Comunidade of Ponda.	1800.00
				81(Part)	Comunidade of Ponda.	275.00
				87(Part)	1. Vithal Ghanasham Sinai Kundaikar.	440.00
					2. Ramchandra Vishnu Sahkari.	
			86	1/Part	Vijaya Atmaram Sahkari.	300.00
			86	2/Part	H: Vijaya Atmaram Sahkari.	175.00
					T: Datta Satu Naik.	
					Boundaries:	
					North: Village Curti, Survey No. 81, 82, 99, 87, 86/1 & 2, Nala.	
					South: Survey No. 82, 99, 87, 86/1 & 2, Nala.	
					East: Survey No. 67, 69, 68, 80 & village Khandepar.	
					West: Survey No. 67, 69, 68 & 80.	
					Total	10825.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 5th August, 1982.

Notification

No. 22/6/82-RD

Whereas by Government Notification No. 22/6/82-RD dated 4-1-82 published on page 577 of Series II, No. 46 of the Official Gazette, dated 11-2-82 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Development around Government Rest House, at Monte, Margac.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule

hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector, South Sub-Division, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector, South Sub-Division, Margao till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	P.T.S. No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Margao	205	8/Part	O: Caetano Barreto Xavier.	2425.00
	"	"	218	1/Part	O: Mathagramasth Hindu Sabha Margao.	125.00
Boundaries:						
North: Chalta No. 75, P. T. Sheet No. 191.						
South: Chalta No. 1, P.T. S. No. 218.						
East: Chalta No. 8, P.T. S. No. 205.						
West: Chalta No. 8, P.T. S. No. 205.						
Total						2550.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 9th August, 1982.

Notification

No. RD/LQN/124/75

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For implementation of Housing Scheme of the Housing Board at Taleigao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector, Goa North Division, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector, Goa North Division, Panaji.
3. The Chairman, Goa, Daman & Diu Housing Board, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector, Goa North Division, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Tiswadi	Durgawada Taleigao		Survey No.1 Sub-Div. No.1 (Part)	1. Antonio Lobo. 2. Luis Francisco de Piedade Lobo. 3. Antonio Joao Bosco Lobo. 4. Fernando Jose Lobo. 5. Maria Francisco de Conceicao Lobo.	38898.00
Boundaries:						
North: Village boundary of Taleigao village boundary of Calapur, Survey No. 4/1, Survey No. 6/2, & Survey No. 2/1.						
South: Taleigao, Survey No. 3/1, Survey No. 6/2 & Survey No. 4/1.						
East: Calapur, Survey No. 3/1, & Survey No. 2/1.						
West: Survey No. 4/1, Survey No. 6/2 & 1, Survey No. 7/3 & 5 and village boundary of Taleigao.						
Total						38898.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 5th August, 1982.

Notification

No. 22/82/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Construction of Veterinary Hospital and staff Quarters at Acoi, Mapusa.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector, Goa North Division, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector, Goa North Division, Panaji.
3. The Director of Animal Husbandry & Veterinary Service, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector, Goa North Division, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	P. T. Sheet No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bardez	Mapusa Acoi	10	10	Comunidade of Mapusa.	2400.00
Boundaries:						
North: Chalta No. 25, 28 of P.T. Sheet No. 16 Chalta No. 10(Part) of P.T. Sheet No. 10 & Road.						
South: Chalta No. 4, 5, 8, 1, 39, 40, 45 of P.T. Sheet No. 15-31, Chalta No. 15, 16, 3 to 6, 27 of P.T. Sheet No. 16, Chalta No. 6 of P.T. Sheet No. 10. and road.						
East: Road, Chalta No. 1, 4, 5, 6, 7, 8, 9, 10, 11, of P.T. Sheet No. 1, 2, 3, 47, 39, 40, 41 of P.T. Sheet No. 31.						
West: Chalta No. 26, 28, 25, 24, 27, 3, 4, 5, 6, 14, 15, 16 of P.T. Sheet No. 16.						
Total						2400.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 6th August, 1982.

Notification

No. 22/85/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for laying additional C. I. gravity main from Curti to Banastarim at Curti.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the

said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji.

3. The Executive Engineer, PHE-NORTH, P.W.D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Ponda	Curti	11/Part 10/Part 12/Part 13/Part 3 3 4/Part 45/Part	2/Part 1/Part	Comunidade of Curti. Shivrcumbhat Vasudev Korde. Pirojibai Kerkar. Padmnabh P. Gauda. Comunidade of Curti. Vithal Ganadham Kundaikar. Comunidade of Curti. Tenant: Gopal Banurai Gauda.	1150.00 425.00 1400.00 1450.00 1850.00 1100.00 130.00 1750.00
Boundaries:						
North: Village boundary of Priol road, Survey No. 45.						
South: Village boundary of Ponda, survey No. 45.						
East: Survey No. 10, Survey No. 11, Survey No. 12, Survey No. 13, Survey No. 3/1, 2, road village Khandeapar.						
West: Survey No. 10, Survey No. 11, Survey No. 13, Survey No. 1, 2 Survey No. 4.						
Total						9255.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 4th August, 1982.

Notification

No. RD/Notes/82

In exercise of the powers conferred by section 37 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (1 of 1976) (hereinafter called as the "said Act") the Administrator of Goa, Daman and Diu hereby delegates all the powers and duties conferred upon the Mamlatdars under the said Act to the Additional Deputy Collector within their respective jurisdiction.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 28th July, 1982.

Public Health Department

Order

No. 5/22/82-PHD

Read: Memorandum No. 5/22/82-PHD dated 22nd May, 1982.

On the recommendations of the Union Public Service Commission, Dr. Raj Kumar Sharma, is hereby appointed to the post of Lecturer in Skin & V. D. in the Goa Medical College, Panaji in the pay scale of Rs. 1100-50-1500-EB-60-1800 with immediate effect on the terms and conditions contained in the Memorandum referred to above.

Dr. Sharma is already declared medically fit for the post.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 11th August, 1982.

Industries and Labour Department

Order

No. 2-193-78-ILD

On the recommendation of Departmental Promotion Committee, Shri T. H. Rao, Assistant Engineer (Elec.) is granted proforma promotion to the post of Executive Engineer (Elec.) on purely ad-hoc basis with effect from 21-9-1979.

2. Shri Rao will not, however, be entitled to draw pay and allowances in the grade of Executive Engineer during the period he was on deputation to Govt. of Libya.

3. The proforma promotion will not bestow on Shri Rao a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

4. Consequent upon his repatriation by the Bengazi Electricity Corporation, Libya, Shri Rao stands posted in the office of Chief Electrical Engineer with effect from 22-8-1981 and in Electrical Division No. IX (E. H. V.) Tivim with effect from 27-1-1982.

This Order supersedes earlier Orders of even number dated 27-1-1982 and 2-3-1982.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 29th July, 1982.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the

provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 28th July, 1982.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Presiding Officer)

Reference No. IT/16/77

- | | |
|---|---------------------|
| 1. Shri Olavo L. Lobo | — Workman/Party I |
| V/s. | |
| 1. M/s. O'Heraldo | — Employer/Party II |
| Employer/Party II represented by Shri Ramesh Desai, Labour Advisor. | |

Panaji, Dated: 12.7.1982.

AWARD

In this reference made to this Tribunal by the Government of Goa, Daman & Diu, by its Order No. IRM/CON(153)/76/IT-7/77/830, dated 20th June, 1977, the schedule annexed to it reads as follows:

"Whether the action of the management of M/s. O'Heraldo, Panaji, Goa, in terminating the services of Shri Olavo L. Lobo, proof reader, with effect from 16th August, 1976, is legal and justified?

If not, to what relief the concerned workman is entitled to?"

2. The workman's case, as per his statement of claim, is that he was appointed as a proof reader of the daily 'O'Heraldo' by the partner of the 2nd party Shri A. C. Fernandes, without any appointment letter, on 14-2-76. At the time of appointment, he was verbally assured by the said partner, in the presence of the Sr. Reporter Shri Zito Miranda, that his appointment was of permanent nature and not on probation basis. Such assurance was given, due to the dearth of proof readers willing to work under the said partner for reasons of "unfavourable conditions" offered by the latter at that time. Initially, he was told to work on shifts of 3 hours each, either from 7 to 10 p.m. or from 10 p.m. till the day's matter for the daily was entirely proof read, which went on till about 1.15 to 2 a.m. But later he agreed to work on both the shifts, when the other proof reader gave up his job about 3 months prior to the removal of the workman from services. His initial salary was Rs. 130/- per month, but when he started working on both the shifts, his salary was raised to Rs. 200/- per month. The salary of the 1st month was paid in cash but the remaining wages were paid by cheques. During the six months of his service, the 2nd party never informed, orally or in writing, that his services were unsatisfactory. Some where prior to 13-8-76, the editor of the 2nd party Dr. Carmo Azavedo had triggered a controversy on philology and almost daily wrote articles on the same. Being allegedly annoyed with this controversy, one of the reporters Shri Victor Teles, wishing to put an end to it, wrote an item titled "Estamos Fartos de filologia" (We are fed up of philology), which appeared in the issue of 'O'Heraldo', dated 12-8-76, insulting the said Editor Dr. Azavedo. On the next date, the said reporter appeared in the premises of the 'O'Heraldo', in the absence of the workman who had gone for dinner, published and himself proof read another item "Relatos Estropiados" (Distorted Reports), which appeared in the 'O'Heraldo' dated 13-8-76, insulting the workman, the other Editor, Dr. Nunes and other comrades of the daily. In para 3 of this item, "Distorted reports," Mr. Teles ridiculed the efficiency of the workman with derogatory remarks, which led the workman to insert a reply item titled "Quem tem Tethados de Vidro" (He who has a glass roof), published in the 'O'Heraldo' dated 14-8-76, refuting the reporter's charges. The workman felt that this was the only way to put an end to the malpractices of the said reporter since the employer had failed to take disciplinary action against him. It is to be noted that the workman was duly authorised to submit news items for publication; the reply item was submitted to the press only after prior approval of both the Editors. The workman, besides his work of proof reading, also did reporting, as he was asked to do by the employer to

avoid extra hands; and, at the time of his removal, was about to get his staff reporter card. The reply item was thus published by the workman in his capacity as reporter.

On the pretext of finding objection to the reply item published by the workman, the partner of the 2nd party verbally told the workman on 13-8-76, Saturday, not to report for work on 16-8-76, Monday. No notice was issued, nor opportunity given to the workman to explain his conduct and no inquiry held and thereby his termination is in breach of the principles of natural justice. In spite of the verbal order of the said partner, the workman reported to duty on Monday, on the advice of the Labour Inspector and, after discharging his duties for about half an hour, the said partner appeared and forcibly prevented the workman from discharging his duties. The workman resisted until a letter terminating his services was issued to him.

The contents of the letter terminating his services are baseless, false and malicious. During the Conciliation Proceedings an offer was made through the Labour Commissioner for one month's pay in lieu of notice, which the workman refused, as such offer had to precede the termination and not follow it. At that time, an offer was also made of 15 days pay preceding the removal, which the workman similarly refused, due to the pendency of the dispute. The workman has prayed that his termination be declared null and void and he be reinstated with continuity of service and full back wages or any compensation for the period during which he was not allowed to work. He has further prayed that an appointment letter with retrospective effect and an identity card be issued to him.

3. The employer, in its written statement, has stated that the workman was employed as a trainee (part time) in proof reading section with effect from 1-3-76. His working hours were from 7 to 10 p.m., for the first three months, and a stipend of Rs. 130/- per month was paid to him as trainee allowance. Since 1-5-76 the workman was asked to attend from 8 p.m. to 12 midnight and his stipend was increased to Rs. 200/- per month. The workman was supposed to get training only in proof reading and his work was confined to proof reading only. However, the workman started publishing items in the newspaper without prior permission/authorisation of the Management, which news items were unbecoming and affecting the news paper, to a large extent; he went to the extent of disturbing some of the articles and changing the heading of such articles without authorisation of the Editing Staff as well as of the Management; he was several times verbally warned by the Management, but he continued his above acts and, on 14-8-76, he published news items in the daily which were entirely against the interests of the daily and the readers. The Management, therefore, terminated the contract of training of the workman w. e. f. 16-8-76 for his acts which adversely affected the paper. The other allegations made by the workman against the employer are denied. No inquiry was held against the workman, he being a trainee; his training period was put to an end, due to his unsatisfactory work. There was no need to offer him one month's notice or pay in lieu of such notice, he being a trainee.

4. In his rejoinder, the workman maintains the stand taken in his statement of claim.

5. Following issues were framed:

1. Does the Workman/Party I prove that he was appointed as permanent Proof-Reader by the Employer/Party II on 14-2-76?
2. Do the Employer/Party II prove that the Workman/Party I was appointed as Trainee and not Proof Reader w. e. f. 1-3-76?
3. Do the Employer/Party II prove that the Workman/Party I was not entitled to publish News-Items without permission/authorisation of the Employer/Party II?
4. Do the Employer/Party II prove that the News-Items Published by the Workman/Party I were unbecoming and affecting the Newspaper to a large extent?
5. Do the Employer/Party II prove that the Workman/Party I went to the extent of distorting some of the Articles and changing the headings of certain Articles of the Newspaper without authorisation of the Editing Section and the Management?

6. Do the Employer/Party II prove that on 14-8-76 the Workman/Party I published News-Items which were entirely against the interest of the Newspaper and its Readers?
7. Does the Workman/Party I prove that in the Newspaper's Issue dated 13-8-76, a News Item called 'Distorted Reports' was published by Shri Teles, another staff member of the Employer/Party II, insulting the Workman/Party I and that this made him to publish the News-Item on the issue of 14-8-76?
8. Do the Employer/Party II prove that the News-Item on the Issue dated 14-8-76 was published without the authorisation/permission of the Editing Staff and the Management?
9. Do the Employer/Party II prove that the Workman/Party I was several times warned earlier verbally by the Management to stop committing such unbecoming acts?
10. Do the Workman/Party I prove that the termination of his services is illegal, Malafide and unjustified?
11. Does the Workman/Party I prove that he had blanket permission to publish news-items and that he published any news items prior to 14-8-76?
12. Does the Workman/Party I prove that he published the item "Quem tem telhado de vidro..." through proper channel, i. e. with approval of the Editor as is required by journalism ethics?
13. Do the employer Party II prove that the services of Party-I were fully terminated?"

6. At the time of hearing, the workman remained absent and so the proceedings were held ex-parte against him. The employer led his evidence, which consists of the statements of Shri Inacio Borges and Shri Joao Fernandes. The Ld. Representative of the employer advanced his arguments and now the matter is before me for passing Award.

7. Shri Inacio Borges, who now is the Asstt. Manager of the Newspaper 'O'Heraldo' and is working for the employer for the last 14 years, has stated that the workman was appointed as Asstt. Proof Reader and his duties were to read the proof of composed material, correct the same and send it back to the composing section; he had no other work; he was not responsible for any item published in the newspaper; the responsibility is of the Editor and, in his absence, of the Sub-Editors, as the publication of such items must be okayed by them. The services of the workman were terminated, for having published an item against one of the sub-editors in the issue of 'O'Heraldo' dated 14-8-76 (Exh. E-1). He has also produced the copy of the termination letter of the workman (Exh. E-2).

8. The other witness, Shri Joao Fernandes, is one of the partners of the employer 'O'Heraldo' for the last 6 years. The services of the workman were terminated, according to this witness, because the workman started publishing his own items, without seeking permission of the Management, of the Editor or sub-editor and his work was also not up to the mark. More-over, he was appointed as proof reader, on trial basis and his duties were to correct the proof and send it back to the composing section. Permission to publish any item is required either from the Editor or from the Management because they are ultimately responsible for whatever is published in the newspaper. Besides, at that time, National Emergency, was imposed and Press Censorship instituted. The Censor had issued certain guide lines within the limits of which items could be published. In case of violation of these guide lines, there were heavy penalties for the Editor and Management, including the closing down of the paper. The workman tried to insert the item Exh. E-1 in the newspaper on his own, without permission from the Management or the Editor.

8. This is all the evidence led by the employer.

It is an admitted fact that the workman was working in the newspaper as a proof reader (whether he was a trainee or not we will see later on) and, in such capacity, his duties were to correct the proofs and send them to the composing section; he had nothing to do with the publication of news items in the newspaper.

It is also an admitted fact that Exh. E-1 was published by the workman in the employer's newspaper dated 14-8-1976.

Workman's contention is that it was published with the permission/authorisation of the editors, but no such permission/authorisation, has been proved and, therefore, I have to accept as true the contention of the employer that it was published without the permission of the Management or of the Editors.

9. Admittedly, no letter of appointment was issued to the workman. While the employer contends that he was appointed on 1-3-76, the workman's contention is that his date of appointment is 14-2-1976 and not 1-3-76. Employer's witness Shri Borges has stated that the workman was employed somewhere by the end of 1975. In the absence of an appointment letter, which the employer was bound to issue to the workman, and also in the absence of any evidence led by the employer to prove that, in fact, the workman was appointed on 1-3-76, I am led to believe the workman in this respect and hold that his date of appointment is 14-2-75, as stated by him.

10. Similarly, in the absence of the appointment letter, the employer has not led any evidence to show that the workman was a trainee, as contended by them, although this word has been inserted in the termination letter (Exh. E-2). It is difficult to believe this contention of the employer, which is strongly denied by the workman, since the employer has not tried to show under whom the workman was being trained. It seems that the workman was doing his proof reading work independently, without the supervision of any other workman and, therefore, he cannot be called a trainee. The statement of the two witnesses of the employer to the effect that the duties of the workman were to correct the composed matter and to send it back to the composing section would go to show that the workman was not getting trained under the supervision of any other worker of the newspaper!

11. As a proof reader, the workman is covered by the definition of "Working Journalist" (vide Section 2(F) of the Working Journalists (conditions of service) and Miscellaneous Provisions Act 1955), hereinafter called the Working Journalists Act, and, therefore, the provisions of the I.D.A., 1947, hereinafter called the Act, namely its Section 25F with the modifications prescribed under Section 3 of the Working Journalists Act are applicable to the Workman.

12. As stated above, the workman was appointed as proof reader on 14-2-76 and his services were terminated on 16-8-76 (Exh E-2). Since he was in the employment for less than one year, Section 25(F) of the Act is not attracted in his case. It appears that the employer had a reasonable cause to terminate the services of the workman, since the latter admittedly had published a news item in the newspaper and it is not proved that this publication was done with the permission of the Management or the Editor. Hence, I consider the termination as bonafide.

13. However, such termination could not be done with immediate effect, without issuing one month's notice to the workman or giving him one month's pay in lieu thereof, as it has been done in this case. The workman is entitled to one month's pay at the rate of Rs. 200/- plus his earned wages from 1st to 16th August, which, admittedly, are due to him.

14. In the afore mentioned circumstances, I reply to the reference by passing the following Order:

ORDER

The action of the Management of 'O'Heraldo' in terminating the services of the workman Shri Olavo Lobo is legal and justified. However, the workman is entitled to recover from the employer one month's notice pay at the rate of Rs. 200/- plus his earned wage from 1st to 16th August, 1976.

In the circumstances of the case, I leave each part to bear its own Costs.

Dr. Renato de Noronha
Presiding Officer,
Industrial Tribunal.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the

provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 28th July, 1982.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI GOA.

(Before Dr. Renato de Noronha, Presiding Officer)

Reference No. IT/7/76

1. Shri Mariano Fernandes — Workman/Party I
V/s.
1. M/s. Goa Urban Co-operative Bank, — Employer/Party II
Panaji.

Workman/Party I, represented by Adv. Ferdine Rebelo.

Employer/Party II, represented by Shri Ramesh Desai.
Labour Advisor.

Panaji, Dated 5.7.1982

AWARD

The Govt. of Goa, Daman and Diu, by its Order No. 1/1854/76-LAB/738 dated 4th May, 1976, has referred for adjudication by this Tribunal an industrial dispute between the above mentioned parties. The Schedule annexed to the Order of Reference reads as follows:

"Whether the action of the Management of M/s. Goa Urban Co-operative Bank Ltd., Panaji (Goa) in dismissing Shri Mariano Fernandes, Peon with effect from 5-12-75 was legal and justified?

If not, to what relief the concerned workman is entitled to?"

2. The workman's case, as per his statement of claim, is in short:

That he was working as a peon with the employer/Party II, hereinafter briefly called the Bank, and throughout his period of service he never gave to the bank any cause for grievance against him; that, on 4-2-75, order was issued by the Chairman of the Bank suspending him from services, on the ground that the Bank had come to know that amounts in thousands had been defrauded from the Bank and that the workman was involved in a fraud to the extent of atleast Rs. 3,000/-. On 3-3-1973, a Charge-Sheet was issued to the workman stating the charges but they were nothing but a reproduction of the Standing Orders of the Bank, he was called upon to submit his explanation and, at the same time, Shri Gopal Tamba, Advocate, was appointed as Inquiry Officer to conduct the Inquiry; by his reply dated 12-3-1975, the workman denied the charges levelled against him and submitted that his duties were such that it would not be possible for him to have access to the books which were in custody of the other employees; he further submitted that the inquiry should not be conducted, as he had been already Charge-Sheeted before the JMFC, Panaji in the same matter and this would amount to denial of justice and violation of the principles of natural justice and fair play; nevertheless, inquiry was conducted by Shri G. Tamba, who finally exonerated the workman of the charges levelled against him; but, inspite of this, the bank by its letter dated 5-12-1975, dismissed the workman from service, on the ground of want of confidence. The workman submitted that nowhere in the Charge-Sheet was there any allegation of want of confidence; such allegation was subsequently made without giving the workman any opportunity to contradict the same with the malafide intention and as a means to victimize him; as the Bank did not want to reinstate the workman with full back wages and continuity of service, conciliation proceedings were taken up by the Commissioner Labour and Employment and, finally, the matter was referred to this Tribunal for adjudication. The workman has challenged his order of dismissal, on the following grounds:

- a) The Bank, by holding an inquiry without giving the workman an opportunity of showing his case, has clearly indicated that it was bent upon dismissing the

workman. The order, therefore, is bad, being against the principles of natural justice;

- b) The dismissal order is an act of victimization and unfair labour practice;

- c) The dismissal for want of confidence without holding an inquiry or giving an opportunity to the workman to show cause as to why it had lost faith in him is against the principles of natural justice and fair play;

- d) Want of confidence does not apply to the workman, whose duties were merely of a peon; it can be alleged only against such persons as cashiers or working in security. Using this ground against the workman shows the malafide of the Bank;

- e) His dismissal is against the Standing Orders of the Bank, which apply to this workman, since no opportunity to show cause, as required by the Standing Orders, was given to the workman; and

- f) The order of dismissal is further viciated because, after the findings of the Inquiry Officer exonerating the workman no opportunity was given to him to show cause as to why he should not be dismissed from service on the ground of want of confidence.

The Bank has issued a cheque to the workman against his dues under the various Acts, which cheque the workman has accepted without prejudice to his contentions. He has concluded his statement of claim by praying that his dismissal order be declared null and void and he be reinstated with full back wages and continuity of service.

3. Bank's case is that a complaint was lodged to the bank, somewhere in 1974, by an account holder that an amount of Rs. 3,000/- has been withdrawn by somebody from her account; the said account holder, whose name is Maria Costa Campos, also lodged a complaint to the Police; in the course of its investigation, the Police collected specimen handwritings of some employees of the bank including the workman; after about a month, the Police arrested the workman on the basis of the report of the handwriting expert, Hyderabad, in which it was stated that the handwriting on the concerned withdrawal slip of Rs. 3,000/- tallied with the handwriting of the workman; it is on this back ground that notice dated 4-2-1975 was issued to the workman suspending him from services; an inquiry was held, during which the workman was permitted to be represented by an Advocate of his choice and given all the opportunities to defend himself properly; the Inquiry Officer, who is an Advocate, for want of direct evidence and applying the tests laid down in the Evidence Act exonerated the workman of the charges levelled against him; but the Board of Directors, before whom the findings of the Inquiry Officer were placed, did not agree with the findings of the Inquiry Officer for the reasons mentioned in the Resolution passed on 21-11-75 and decided to terminate the services of the workman on the ground of loss of confidence; accordingly, the services of the workman were terminated by the Chairman of the Bank, by his letter dated 5-12-75, for loss of confidence and the workman paid of all his legal dues. On the basis of the investigation carried on by the Police and the report of the Hand Writing expert, the Bank was justified in coming to the conclusion that the behaviour of the workman was not trust-worthy and, therefore, the opinion of the Bank in this respect is legally justified, proper and bonafide, on the back ground of the facts of the case. The involvement of the workman in the fraud case detected by the Police is sufficient cause for the Bank to lose confidence in the workman. The reasons mentioned in the termination letter cannot be questioned by the workman. It is submitted that there is no such rule governing the domestic inquiries that the employer should wait for the explanation of the workman and then make up its mind whether or not inquiry should be conducted. There was also no need to frame a charge against the workman for loss of confidence, but assuming that there was such need the charge was already incorporated in the body of the Charge-Sheet served upon the workman. The Bank has not dismissed the workman, but discharged him simpliciter. It is further submitted that Bank Institutions prosper on the trust and confidence of the account holders and, in a case as the present one, if no action is taken upon the complaint of the account holder, the Bank will lose the confidence of account holders and depositors. Want of confidence arises on account of the behaviour of the workman and as far as the behaviour justifies such conclusion by the employer, the nature of duties performed by the workman is totally irrelevant.

It is prayed that the act of the Bank in terminating the services of the workman be held as legal, bonafide, proper and justified.

4. The following issues were framed by the then Presiding Officer, Shri Kholali:

- "1. Whether the workman has been discharged as contended by the management?
2. If yes, is the reference tenable?
3. What Order?"

5. On these issues, evidence was led by the employer as well as by the workman and, finally, lengthy arguments were heard from both the parties' representatives by my Predecessor, Dr. Coelho and also by me and now the matter is placed before me for Award.

6. In the course of his arguments before Dr. Coelho, the Bank's representative moved an application observing that the judgement in the criminal case, on which the workman has heavily relied, has not been produced and this judgement is important for the proper evaluation of the issues involved in the reference and prayed that the workman be directed to produce it or, in case of his refusal, the bank be allowed to produce the same.

This application was objected to by the Learned Advocate of the workman, on the ground that the Bank had sufficient opportunity to produce the documents in the course of its evidence, which opportunity it did not avail of; and, secondly the document in question can be looked into by the Tribunal only for the purpose of finding whether the workman has been acquitted or not and no other purpose, and, regarding acquittal there is no controversy between the parties.

7. My Learned Predecessor, Dr. Coelho, according to the parties' representatives, did not give any ruling on the admissibility of this document. He reserved the ruling at the time of the delivery of the Award and allowed the parties to argue the matter on both assumptions; of the document in question being admitted by the Tribunal or not being admitted.

8. So, the first point to be dealt with by me is regarding the admissibility of the judgement of the criminal court, produced by the Ld. Representative of the employer.

Shri Ramesh Desai, who has produced a certified copy of the said judgement, is of the view that the document is very material for the decision of the case because, according to him, since the fact of acquittal of the workman/party I has been brought on record, it is to be seen what kind of acquittal the court has given him, whether it is a clearance of guilt or acquittal for doubt or even acquittal with some findings against the workman and some, in his favour. He further contends that the document was produced before the conclusion of arguments; that the court is not bound by the Evidence Act and has a wide discretion to accept, at any stage, documents which are relevant for the decision. He has relied for this purpose on the following S. C. rulings: Karda & Co. V/s. their workmen in 25FJR6364-372, relevant portion on page 381; Mysore Steel Workers V/s. Jeetendra Chandra Co. in 40FJK 1971 page 63; and Madras High Court in Anglo American Trading Co. V/s. Labour Court, Coimbatore 1970 ILLJ 481.

9. On the other side, Adv. F. Rebelo has objected to the admission of the said document on the following grounds:

- i) When the Board of Directors took the resolution to terminate the services of the workman, they could not have considered the criminal judgement, which was not before them;
- ii) The workman, by his letter dated 12-3-1975, which is the explanation to the Charge-Sheet, had sought postponement of the domestic inquiry, on the ground that the Inquiry will prejudice the Criminal Case, pending against him. However, inspite of the said protest, the inquiry was carried on.
- iii) The workman had denied the fact that he had anything to do with the withdrawal of the money from the bank and further denied that the hand-writing, purported to be his on the withdrawal slip, was his.
- iv) The employer had opportunity to bring the judgement on record when they led evidence before this Tribunal. The judgement of the Tribunal/Court is dated 13-1-1978. The employer led his evidence

somewhere in 1979 and, as such, they had full opportunity to bring the judgement on record, but chose not to do so.

- v) The evidence of Shri S. V. Kamat PE2 indicates that the Bank was aware of the Judgement and that the workman was acquitted of the charges.
- vi) The Judgement can be taken on record only for the purpose of proving whether the workman is acquitted of the charges or not and nothing else.
- vii) The Industrial Tribunal is not expected to enter into the merits of the criminal case after the acquittal by the criminal court.
- viii) Even if the Criminal Court had made certain observations against the workman, the workman had no opportunity to rebut those observations as he had been acquitted and had, therefore, no opportunity to prefer an appeal or revision.
- ix) As the Board of Directors have not relied on the judgement of the criminal court, this Tribunal cannot substitute or put itself in the place of the Board of Directors to find out whether the action of dismissal would be justified if the decision in the criminal case was before the Board of Directors.
- x) The Tribunal cannot suo-motu grant opportunity to the employer to lead evidence. The opportunity must be sought by the employer and as no such opportunity was sought at the appropriate time, the employer is barred now from leading evidence.
- xi) Further, the standards for the Tribunal and the criminal court are entirely different: The Tribunal, even if the workman if found guilty of the charges against him, can impose a less harsh punishment than the meted out by the employer, depending on the facts and the circumstances of each case.

He has relied on the following rulings cited from Ghajir Law and Procedure: State Bank of India V/s. Workmen, 1957 LAC 423; Delhi Transport Undertaking V/s. Workmen in Delhi, Govt. Gazette, part VI dated 21-6-1968 page 69.

10. I have perused the authorities cited by the parties and arrived at the conclusion that they do not give much contribution for deciding the point in controversy. I fully agree with the Ld. Representative of the employer that the document in question, being a public document, should be admitted at any stage of the proceedings, if the said document is material for the decision of the case. The whole controversy, therefore, would centre around the essentiality of the document for the decision of the case: while the employer contends that it is essential, the workman holds the contrary view.

11. And I feel that the workman is right:

It is not in dispute that the criminal court, by the judgement in question, has acquitted the workman from the charges of cheating and forgery. The only point to be ascertained is as to whether this judgement of the criminal court has in some way influenced the decision of the B. D. in terminating the services of the workman; if it had influenced them, the judgement would be a material document in this case; otherwise, it would have no relevancy at all. The judgement in question is dated 13-1-1978, while the resolution of the B. D. is dated 21-11-1975 and, therefore, the judgement, which was delivered much after the resolution of the B. D., could in no way influence the said decision. Consequently, the observations made by the Ld. Magistrate in the said judgement, while assessing the report of the hand-writing expert, are of no use for the decision of this case. Here, we are concerned only with the elements the Board of Directors had before it while passing the resolution dated 21-11-1975 in order to find out whether the said elements justify or not the bonafides of the Board of Directors while passing the said resolution. Being so, the bringing on record the criminal court's judgement could not serve any purpose, since what is in question is the bonafide of the decision of the Board of Directors dated 21-11-1975.

I, therefore, dismiss the employer's application to bring on record the said judgement of the Criminal Court.

12. Now, the point to be considered is as to whether the order of the Board of Directors terminating the services of the employee is an order of discharge simpliciter, as contended by the employer, or of dismissal, as contended by the workman, and whether the employer was justified in passing the said order.

13. It is well settled that an order by itself may not be sufficient for the Tribunal to decide whether it is an order of discharge simpliciter or of dismissal and the Tribunal is entitled to go into the entire substance of the order and consider all the aspects of the case, to arrive at a proper conclusion (vide *inter-alia*; *Workmen V/s. Sunder Office* 1972 (24) FLR 229 S.C.; *Tata Oil Mills Co. Ltd., V/s. Their workmen* 1966 (13) FCR 65 S.C.; *Dr. P. N. Gulati V/s. Labour Court*, 1977 LIC 1088 Allahabad High Court; *Assam Oil Co. Ltd., V/s. Workmen* 1960-61 FIR 18-380; and *Chartered Bank, Bombay V/s. C. B. Union*, 1960 (18) FJR-3541.

14. This being the position on law, let us see whether the order terminating the services of the workman is of discharge simpliciter, as contended by the employer, or of dismissal, as contended by the workman.

The Order in question, which is dated 5-12-1975, has been taken on record marked as Exh. M-1. It reads as follows:

"5th December,
Reg. A/D.

To,
Shri Mariano Fernandes,
C/o. Sangam Lodge,
Rajmahal Bldg.,
Mala, Panaji.

Dear Sir,

We refer to the charge-sheet issued to you and subsequent inquiry held into the charge-sheet. Though the Inquiry Officer has exonerated you from the charges levelled against you, the Board of Directors have lost the confidence in you and as such your services stand terminated with immediate effect. Alongwith this letter you are offered your earned wages upto the date of this letter less whatever has been paid by way of subsistence allowance and one month's notice pay in lieu of notice. You are also paid the salary towards the leave due to your credit. As required under Section 39 of the Goa, Daman and Diu Shops and Establishments Act, 1973, you are hereby paid Gratuity for the services rendered with the Bank of a period of 8 years.

Yours faithfully,

Sd/-

(R. TAMBA)
Chairman

Earned wages from 5-2-75 to date	Rs. 2884-00
One month's Notice pay	Rs. 339-80
Leave salary for 27 days	Rs. 307-82
	Rs. 3531-62
Gratuity (at the rate of 15 days' wages for each completed year of service).	Rs. 1279-20
Total: —	4810-82
Less 1) Sussistance allowance paid	Rs. 430-79
2) Loan balance due from you	Rs. 2564-34
	2995-13
	1815-69"

Since the above order refers only to the termination of services of the workman without saying whether such termination is by way of discharge simpliciter or of dismissal, we will have to consider all the aspects of the case and find out the true nature of the said order.

15. The context of the order refers to the inquiry held into the charges by the Inquiry Officer and the findings of the latter exonerating the workman of the said charges and states that, in spite of such exoneration, the Board of Directors has lost confidence on the workman and as such his services stand terminated with immediate effect. It is to be noted, however, that, perhaps not to cast any stigma on the workman, the order is silent about the resolution passed by the Board of Directors at their meeting held on 21-11-75 (Exh. M-3), by virtue of which the said Board decided not to accept the findings of the Inquiry Officer exonerating the workman from the charges since, as per their opinion, there was sufficient circumstantial evidence to come to the conclusion that the workman was guilty of the charges levelled against him.

16. The workman was under suspension during the inquiry proceedings and, during all this period, he was only getting subsistence allowance but, at the time of termination of service, he was paid of his entire salary for the suspension period with the deduction of the subsistence allowance received by him. He was also paid of notice pay, leave salary and gratuity, which he would not be entitled to, in case his termination of service was by way of dismissal, as a result of inquiry held against him.

17. Considering all these aspects and, particularly, that the order passed is bonafide, as soon we will see, I am of the view that Exh. M-1 is of discharge simpliciter, for loss of confidence, and not an order of dismissal, as punishment resulting of the inquiry held against him.

18. Let us see now whether the employer, after holding a domestic inquiry against the workman, was entitled to pass such an order ignoring the result of the inquiry and whether such order is bonafide, as contended by employer, or malafide and an act of victimization against the workman for his union activities, as contended by the latter.

19. Only because, prior to the passing of the discharge order, the employer held an inquiry charging the workman of misconduct, it cannot be said that the order of discharge is a colourable exercise of powers in the hands of the employer to cloak a dismissal order (vide *Dr. Gulati, Tata Oil Mills and Suder Office cases*, quoted above). The real test in such cases is whether the act of the employer can be assailed on the ground of malafides, as it has been held in most of the above quoted cases.

Now, considering all the circumstances under which first the suspension order and then the discharge order were passed in this case, nothing is there to show that the employer, while passing the discharge order, has acted malafide, only to victimise the workman.

20. And I say so for the following reasons:

On the basis of a complaint lodged with the police by Smt. Maria Costa Campos, an account holder of the employer bank, that an amount of Rs. 3,000/- was withdrawn from her saving account without her knowledge, the police took up the investigation in the case and interrogated some staff members of the bank connected with the work of withdrawal from the saving accounts and also collected the specimen signatures of the said staff member including that of the workman.

These specimen signatures, alongwith the withdrawal slips, were sent to a handwriting expert at Hyderabad and, after the opinion of the expert was received, the workman was arrested by the police. Being so, it is but natural that the bank was convinced that the workman was involved in the complaint filed, since out of all the employees of the bank connected with the withdrawal and whose specimen signatures were taken and sent to Hyderabad, only the concerned workman was arrested after the receipt of the handwriting expert's opinion.

21. Further, the Board of Directors was not bound to accept the opinion of the Inquiry Officer and was entitled to arrive at its own conclusion on the basis of the evidence collected in the Inquiry Proceedings (Vide *Union of India V/s. A. C. Goel* 9FIR161 S.C.) and the Board of Directors, in their resolution dated 1-11-75, have duly justified as to why they could not agree with the findings arrived at by the Inquiry Officer.

22. It is contended by the Ld. Counsel of the workmen, relying on the Calcutta High Court decision in *Anant Prasad Sett V/s. State of West Bengal* in 1975, *Labour and Industrial Cases* 552) that it was incumbent on the employer to give opportunity to the workman to show cause as to why the charges over which it has disagreed with the opinion of the Inquiry Officer should not be held to have been established.

Undoubtedly, such opportunity ought to have been given by the employer to the workman in case the employer wanted to act on the basis of its findings in the inquiry proceedings; but since the employer did not act on such findings, there was no need for him to afford an opportunity to the workman to give his say on the matter. Discharge for loss of confidence does not require a show cause notice to be given by the employer to the workman as to why he should not be discharged on this ground (vide 1977 *Labour & Industrial Cases*, *Dr. Gulathi V/s. P.O. of Labour Court*, pg. 1088 paras 21 and 23).

23. Also the mere fact that the bank has not stayed the departmental inquiry pending criminal trial, even after an application to this effect moved by the workman, cannot allow any inference of malafide against the employer, as it has been laid down by the Supreme Court in *Tata Oil Mills V/s. their Workmen* 9FIR142.

24. The above facts, considered alongwith the fact that in a domestic inquiry what is required to be proved is preponderance of probabilities of guilt of the workman and not proof beyond reasonable doubt as in a criminal court, would justify the bonafides of the employer while arriving at the decision to terminate the services of the workman.

25. Let us now consider whether the employer, after holding a domestic inquiry against the workman and arriving at the conclusion that the workman is guilty of the charge framed could ignore the said inquiry and discharge the workman for loss of confidence.

26. I think, that the mere fact that the employer had conducted a domestic inquiry against the workman and arrived at the conclusion that the workman was guilty of the misconduct charged with, would not preclude the employer from ignoring the said inquiry and discharge the workman simpliciter for loss of confidence, as in our case, with a view to benefit the workman whose services, by this way, would be terminated without blemish and entitling the workman to all consequential reliefs. I am fortified in this view by the ruling of the Supreme Court in the case of the workman of Sudher Officer Cinnamara, and another V/s. Management of Sudher Office and another in 1972 LIC pg. 1262. In this case too, the workman was charge-sheeted for theft of Company's property, his explanation sought and even an inquiry held and, ultimately, order passed that the charges have been proved to the satisfaction of the Management and that the latter had lost confidence on the workman and so his services were terminated.

27. It is true that in our case there is a clause No. VI in the Memorandum of settlement arrived at between the Management of the Bank and the workmen's Union which reads as follows:

Nowwithstanding anything contained herein or the Standing Orders already in force services of no permanent employees shall be terminated except on the grounds of misconduct.

But this clause does not come in our way in view of Section 39 of Shops and Establishment's Act 1973 which empowers the Management to terminate the services of a permanent employee also for a reasonable cause.

28. Since the employer did not want to act on the findings it had arrived at in the inquiry proceedings but wanted to discharge the workman simpliciter, without casting any stigma on him, there was no need for the employer to issue a show cause notice as to why his services should not be terminated for loss of confidence. I agree that discharge for loss of confidence cannot be arbitrary, depending only on the whims of the employer. When such discharge is challenged before the Tribunal, the employer must be ready to prove that it was bonafide and based on grounds which made him to lose confidence on the workman.

29. From the above paras, it is clear that there is nothing wrong in the conduct of the employer in ignoring the inquiry proceedings held against the workman and discharging him simpliciter for loss of confidence.

30. Now, the point to be considered is as to whether the workman in our case, who is a peon of the employer, could have been discharged on such ground. The Ld. Representative of the workman contends that discharge for loss of confidence is not possible in the case of a peon because such job cannot be considered as a responsible or confidential post or strategic or sensitive, as required by ratio decidendi in *L. Michael's* in 1975 Labour and Industrial Cases page 399. It is submitted that the duties of the workman, as per the statement of Shri S. K. Kamat, employer's witness, consisted of taking the records from one place to another, going out for delivery of post and communication and such other incidental matters.

On the other side, Shri Ramesh Desai, employer's representative, contends that a banking institution lives on the trust and confidence the public and namely the depositors repose in it. If any employee is said or suspected to have some connection with the fraud that has been committed

in the account of one of its clients, the bank would be justified in losing confidence in such employee. He has relied, inter-alia, on the following rulings: *L. Michael V/s. Johnson Pumps* 1975 LIC page 399 and *Dr. P. N. Gulathi V/s. P. O. Labour Court, Gorakpur* and another in 1977 LIC page 1088 and also *Siddhanath Krishnaji Kadam V/s. Dadaji Dhackjee and Co. Pvt. Ltd.*, another, Bombay High Court decision reported in 1977 LIC page 602.

31. From the evidence collected in the Inquiry Proceedings it is shown that, during the relevant period, the workman was attached as peon to the cash section and that the registers, withdrawal slips, index of specimen signature cards, rubber stamp "Pay cash" etc. were not under lock and key, but lying by the side of the concerned clerks and, hence, accessible to the peons of the concerned section, who always used to come to the office prior to the arrival of the other employees. Although Shri Mariano Fernandes was not in any way connected with the withdrawals of money from the saving accounts by the account holders, since he had access to the registers and other material referred to above, the possibility that he could have managed to forge the signature of any account holders and withdrawn the amount lying in their account cannot be ruled out. The Management of the bank was, therefore, justified, on the basis of the material before them, as referred to in paras 20 and 21, to arrive at the bonafide conclusion that Shri Fernandes was involved in the fraud and, consequently, terminating his services for loss of confidence in him.

32. As it is rightly pointed out by the Ld. Representative of the employer, the banks live on the trust and confidence the depositors repose in it and, therefore if action is not taken against those employees who, according to the bonafide opinion of the Directors, are involved in any frauds committed in connection with the accounts of the depositors, the bank is likely to be prejudicially affected in its business.

33. In *L. Michael's* case, relied upon by both the parties, the Supreme Court has not held, contrary to what is contended by Adv. F. Rebelo, that only those employees holding a position of confidence can be discharged on the ground of loss of confidence. The Supreme Court, in para 12 of the said ruling, has stated in this way; "Any employer who believes or suspects that his employee *particularly* one holding a position of confidence has betrayed that confidence..." the use of the word *particularly* would show that the ground of loss of confidence can also be used regarding these employees who do not hold a position of confidence.

34. In the case of *Dr. P. N. Gulathi*, also relied upon by the employer's representative, it was held that in a case where the management has the power to terminate the services of its employee without assigning any reason and by giving him certain notice or pay in lieu thereof, it can terminate the services if it loses confidence in the workman, provided the power to terminate the services has been exercised bonafide.

35. In the case of *Siddhanath Krishnaji Kadam*, also relied upon by the employer's representative, the Bombay High Court has stated that the plea of loss of confidence can be confined not only to the employees holding confidential posts but also to others. Every contract of employment, says the ruling, implies trust and confidence as its indispensable ingredients; well founded suspicion against the employees holding posts of highly confidential nature may be considered enough for loss of confidence but, in other cases, proof of the alleged facts would be required.

36. In the instant case, Shri Fernandes, although holding the post of peon in the bank, could tamper with the registers of the account holders while they were lying in open racks and were accessible to him and, therefore, the Management of the bank was justified in terminating his services for loss of confidence.

37. Held that the employer could discharge the workman herein for loss of confidence, let us now see as to whether it has complied with all the legal formalities while discharging him.

For all this time, discharge for loss of confidence was not considered by the courts as retrenchment and, therefore, the requirements of 25F of the Act were not complied with by the employers while terminating the services of the workmen on this ground. However, a recent ruling of the Supreme Court in the case of *L. Robert D'Souza V/s. Exe-*

cutive Engineer Southern Railway and another (vide 1982 Supreme Court Cases (L & S) 124), after holding that the expression "termination of service for any reason whatsoever" in the definition of the expression "retrenchment" in Section 2(00) of the Act covers every kind of termination of service except those not expressly included in Section 25F or not expressly provided for by other provisions of the Act such as Section 25FF and Section 25FFF proceeds as follows: "therefore, we adopt as binding the well settled position in law that if termination of service of the workman is brought about for any reason whatsoever, it would be retrenchment except if the case falls within any of the excepted categories, i.e.:

- i) Termination by way of punishment, inflicted pursuant to disciplinary action;
- ii) Voluntary retirement of the workman;
- iii) Retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains the stipulation in that behalf;
- iv) Or termination of the services on the ground of continued ill health.

Once the case does not fall in any of the excepted categories, the termination of service even if it be according to automatic discharge from service under agreement would nevertheless be retrenchment within the meaning of the expression in Section 2(00)".

Being so, it cannot be doubted that the discharge simpliciter of the workman in the instant case amounts to retrenchment and therefore the employer had to comply with the provision of Section 25F of the Act, namely notice of one month or pay in lieu thereof and payment, at the time of retrenchment, of a compensation equivalent to 15 days average pay for every completed year of continuous service or any part thereof is excess of 6 months.

Exh. M-1 is the letter of termination of service of the workman, dated 5-12-1975. It shows that, at the time of termination of his services, the workman was offered by the employer, inter alia, one month's notice pay and gratuity under article 39 of the Shops and Establishments Act, 1973, at the rate of 15 days wages for each completed year of service, for 8 years of service put in by the workman, which the latter had accepted under protest. No retrenchment compensation, as required under Section 25F(b) of the Act, was paid to the workman and since the payment of such compensation at the time of retrenchment is a condition sine qua non for a valid retrenchment, I have to hold that, in the absence of payment of such compensation by the employer, the Order of termination does not amount to a valid retrenchment in the eyes of law and, therefore, it will have to be considered as inoperative.

38. Now, the next point to be decided is regarding the relief the workman is entitled to. It is well settled that, as a rule, when the termination order of the workman is held bad in law by the court, the workman is entitled to reinstatement with continuity of service and full back wages. However, in exceptional circumstances the court can refuse to reinstate the workman, especially when the job of the workman involves trust and confidence of the employer.

In the instate case, it is contended by the workman's representative that the post held by the workman is of a peon, doing only mechanical work of opening the bank, taking correspondence etc. and hence, the theory of loss of confidence cannot apply in this case.

On the other side, the bank's representative has contended that the employer is a bank institution which lives and prospers on the trust and confidence the public and especially the depositors repose in it; if such trust and confidence is shaken, then the institution will surely be affected prejudicially in its business. The workman herein, although a peon, has access, as per the evidence on record, to the ledgers and registers connected with the accounts of the depositors and, therefore, the element of trust and confidence is there. If the employer has lost confidence in him, his reinstatement would not be proper at all. The only relief to such workman would be payment of an adequate compensation.

39. I fully agree with the view of the Ld. Representative of the employer in so far the non reinstatement of the workman herein is concerned. After about 8 years of service the workman's services were terminated on 5-12-1975 and since then he has been without a job, as per the evidence

on record, i.e. for 6 years and 8 months, till this date. The last pay drawn by him was Rs. 339-80 or to round off 340/- per month and, therefore, I feel that payment of Rs. 28,560/- corresponding to 7 years of his wages would be a just and fair compensation to him. He will also be entitled to retrenchment compensation which has not been paid to him at the time of his retrenchment.

40. In view of all that has been stated above, I pass the following Order:

ORDER

The Order of discharge passed by the employer, although bonafide, is bad in law for non compliance with the requirements of Section 25F(b) of the Act and hence inoperative. Since reinstatement of the workman is not advisable in the present case, the employer is directed to pay him a compensation of Rs. 28,560/-, corresponding to 7 years of his wages, plus retrenchment compensation he is entitled to under Section 25F(b) of the Act. Costs of Rs. 500/- to be paid by the employer to the workman.

Dr. Renato de Noronha

Presiding Officer,
Industrial Tribunal.

Notification

No. 22/23/79-ILD (II)

Government is pleased to constitute the State Advisory Committee on Employment, consisting of the following members:—

- 1) Shri A. N. Naik, Minister for Labour — Chairman.
- 2) Shri Eduardo Faleiro, Member of Parliament — Member.
- 3) Shri Prabhu Ramchandra Tukaram, M.L.A., Niranjal, Siroda-Goa — Member.
- 4) Shri Vaz J. Mario Emerciano, M.L.A., Cuncolim, Salcete-Goa — Member.
- 5) Shri Madhav S. Kamat, Principal, M.E.S. College, Vasco-da-Gama, Goa.
- 6) Shri G. V. Kamat Helekar, Director, Bombay University Post Graduate Centre, Sushila Building, Panaji-Goa — Member.
- 7) Shri Chandrakant S. Keni, Editor "RASHTRAMAT", Margao-Goa — Member.
- 8) Representative of Goa Chamber of Commerce — Member.
- 9) Shri Dattaraj V. Salgaoncar c/o V. M. Salgaoncar & Bros. Pvt. Ltd., Vasco-da-Gama-Goa — Member.
- 10) Shri Anand Shetye, Bicholim-Goa — Member.
- 11) Shri Prabhakar Dhonde — Member.
- 12) Shri George Vaz, Assonora, Goa — Member.
- 13) Commissioner, Labour and Employment, Panaji-Goa — Member Secretary.
- 14) Shri Kamruddin Jawarbhair Movani Ismail Community, Margao-Goa — Member.
- 15) Shri Shambu Bandekar — Member.
- 16) Smt. Sudha Amonkar, Mapusa, Bardez-Goa — Member.
- 17) Shri S. M. Prabhu Dessai, Wing Commander, Comba, Margao-Goa — Member.

2. The functions of the committee are as under:—

1. To advise on development of personnel retrenched on the completion of development projects;
2. To advise the department of Labour and Employment on problems relating to employment and creation of employment opportunities;
3. To advise on the development of the National Employment Service;
4. To consider special programmes relating to educated unemployment;
5. To assess the requirements of trained craftsmen and to advise on the development of the vocational

guidance, training in vocational trades and employment counselling service.

6. To examine and identify areas for self-employment opportunities.

3. The non-official members will be entitled for TA/DA as admissible to Group 'A' officers.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 6th August, 1982.

Finance Department (Expenditure)

Order

No. 2-12-73-Fin(Exp) Vol. II

Shri S. R. Dhupkar, Accounts Officer, presently on deputation to the Institute of Public Assistance (Provedoria), is reverted to his parent cadre on his request, and posted as Accounts Officer in the Electricity Department, Panaji vice Shri R. S. Naik, Accounts Officer, transferred.

2. The Services of Shri R. S. Naik, Accounts Officer, Electricity Department, Panaji, are placed at the disposal of the Under Secretary (Revenue) for his appointment by transfer on deputation as Administrative-cum-Accounts Officer in the Institute of Public Assistance (Provedoria), Panaji. The terms and conditions of deputation of Shri R. S. Naik will be the same as contained in the Government of India Ministry of Finance Office Memorandum No. F.1(11)-E.III(B)/75 dated 7-11-1975 as amended from time to time. The deputation period will be one year in the first instance.

3. The Institute of Public Assistance, Panaji, shall be liable to pay to Government the leave salary and pension contribution of Shri R. S. Naik at the prescribed rates.

4. Shri S. R. Dhupkar, Administrative-cum-Accounts Officer, Institute of Public Assistance should move first in

order to relieve Shri R. S. Naik Accounts Officer, in the Electricity Department.

5. The order will come into force with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Finance).

Panaji, 7th August, 1982.

Order

No. 2-12-73-Fin(Exp) Vol. II

The services of Shri J. N. Prabhudessai, Accounts Officer, Agriculture Department, Panaji are placed at the disposal of the Goa Handicrafts, Rural & Small Scale Industries Development Corporation Ltd., Panaji for his appointment as Accounts Officer by transfer on deputation.

2. Shri J. N. Prabhudessai should hand over the charge of the post of Accounts Officer in the Agriculture Department to the Assistant Accounts Officer in that Office. Assistant Accounts Officer shall look after the duties of Accounts Officer till the alternative arrangements are made.

3. The terms and conditions of deputation of Shri J. N. Prabhudessai will be the same as contained in the Government of India Ministry of Finance Office Memorandum No. F.1(11)-E.III(B)/75 dt. 7-11-1975 as amended from time to time. The deputation period will be one year in the first instance.

4. The Goa Handicrafts, Rural & Small Scale Industries Development Corporation Ltd., Panaji, shall be liable to pay to Government the leave salary and pension contribution of Shri J. N. Prabhudessai at the prescribed rate.

5. The order will come into force with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Finance).

Panaji, 7th August, 1982.